

Performance
Evaluation &
Research Division
(PERD)

PERD's Objectives:

To determine if there is a continued need for licensure by the Board of Pharmacy (Board), assess whether the Board complied with the general provisions of Chapter 30 and other applicable laws, assess whether the Board exercises adequate contract management over the CSMP, assess whether the Board's impaired health condition treatment program provides adequate public protection against potentially impaired providers, evaluate the Board's website for user-friendliness and transparency, and determine if the Board's data retention policy aligns with the requirements of the contract and W. Va. Code.

Key Recommendations:

The Board should:

Take an active role in management of contract deliverables as it relates to the CSMP.

Require a periodic independent review by a third party to evaluate the CSMP vendor's compliance with the contract.

Exercise greater oversight over the Pharmacist Recovery Network program and receive all contract deliverables.

Consider amending the contract for the Pharmacist Recovery Network to allow for periodical independent reviews of the program operations and contract compliance, either by the Board or by a third party.

July 2022

Regulatory Board Review: West Virginia Board of Pharmacy

Agency Purposes:

The purpose of the Board is to protect the public through its licensing process, and to be the regulatory and disciplinary body for pharmacy professionals throughout the state.

What Did PERD Find?

The Board is necessary to protect the public and complies with most of the provisions of Chapter 30 of W. Va. Code. However, the Board could exercise more active oversight of the Controlled Substance Monitoring Program's (CSMP) contract deliverables. Additionally, the Board does not exercise adequate oversight of its impaired health condition treatment program; it does not know if its vendor implemented and consistently conducted the contract-required procedures for effective operation.

The Board addressed the legislative auditor's concerns about its CSMP data retention practices by changing contractual requirements to reflect the board's policy and practice.

Table 4
Board of Pharmacy Budget Information
FY 2018-2020

Fiscal Year	Beginning Cash Balance	Revenue	Disbursements	Ending Cash Balance	End-of-Year Cash as a Percent of Annual Expenditures
2018	\$3,777,007	\$2,841,099	\$2,419,984	\$4,201,232	174%
2019	\$4,201,059	\$3,442,851	\$2,990,980	\$4,657,151	156%
2020	\$4,657,151	\$2,741,473	\$2,363,699	\$5,035,755	213%
Average	\$4,211,739	\$3,009,835	\$2,591,554	\$4,631,379	181%

Source: WV OASIS reports (WV-FIN-GL-151) and PERD calculations.

PERD also found the following:

- Unregulated practice of pharmacy can result in death and substantial public harm.
- As of FY 2020, the Board has 16,759 licensees, registrants, and permittees.
- All fifty states regulate the practice of pharmacy.
- The Board is financially self-sufficient.
- The Board is accessible to the public, has establish continuing education requirements, and maintains due process rights for licensees.
- The Board's website needs additional features and content to enhance user-friendliness and transparency.

Office of the Legislative Auditor, Performance Evaluation and Research Division